

REMARKS

By this Amendment, Applicants have canceled claims 27 and 41 without prejudice or disclaimer, and amended claims 26, 28, 29, 31, 39, 42, 43, and 48. No new matter has been added. Claims 26, 28-40, and 42-55 are present in the application and pending on the merits.

As an initial matter, Applicants appreciate the Examiner's indication that claims 27, 28, 31, and 41-47 recite allowable subject matter. Office Action at 9. By this Amendment, Applicants have incorporated the subject matter recited in claims 27 and 41 into independent claims 26 and 39, respectively. For at least the reasons outlined in more detail below, Applicants respectfully request reconsideration and withdrawal of the claim rejections included in the Office Action.

I. Claim Rejection under 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 39-55 were rejected under 35 U.S.C. § 112, second paragraph, based on an assertion that claims 39 and 41 are "ambiguous." Office Action at 2. With respect to claim 39, the rejection statement asserts that claim 39 is "ambiguous" for "not defining the conditions under which the proximal half [of the drum] is fixed" because "the proximal half of a drum is fixed with respect to a support structure even for a standard shaping drum[, since] it is fixed . . . at all times other than when the drum is actually axially expanding or contracting" Id. Although Applicants do not necessarily agree with the rejection statement's assertion about claim 39 being "ambiguous," Applicants have amended claim 39 and respectfully submit that claim 39 complies with 35 U.S.C. § 112, second paragraph.

With respect to claim 41, Applicants have canceled claim 41 without prejudice or disclaimer, and thus, this portion of the rejection is moot.

For at least the above-outlined reasons, Applicants respectfully submit that claims 39, 40, and 42-55 (claim 41 having been canceled) comply with 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 39-55 under 35 U.S.C. § 112, second paragraph.

II. Rejection of Independent Claims 26 and 39 under 35 U.S.C. § 103(a)

Claims 26, 29, 30, 36, 39, and 48-50 were rejected under 35 U.S.C. § 103(a) based on U.S. Pat. App. Pub. No. US 2002/0153083 A1 to Takagi ("Takagi") in combination with "at least one of" U.S. Patent No. 3,929,540 to Held et al. ("Held"), U.S. Patent No. 4,805,872 to Loeffler ("Loeffler"), and U.S. Patent No. 2,986,196 to Frazier ("Frazier"). Of the claims listed in this claim rejection, claims 26 and 39 are the only independent claims. Although Applicants do not necessarily agree with the rejection of independent claims 26 and 39 under § 103(a) based on Takagi in combination with at least one of Held, Loeffler, and Frazier, Applicants have amended independent claims 26 and 39 to incorporate the subject matter recited in claims 27 and 41, respectively, into those claims. At least because the Office Action indicates that such amendments would render independent claims 26 and 39 allowable (Office Action at 9), Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 26 and 39 under 35 U.S.C. § 103(a) based on Takagi in combination with at least one of Held, Loeffler, and Frazier.

III. Rejections of Dependent Claims under 35 U.S.C. § 103(a)

Claims 32-34 were rejected under 35 U.S.C. § 103(a) based on Takagi in combination with “at least one of” Held, Loeffler, and Frazier, and further in view of U.S. Patent No. 3,950,201 to McEvoy et al. (“McEvoy”). Office Action at 6. Claim 35 was rejected under 35 U.S.C. § 103(a) based on Takagi in combination with “at least one of” Held, Loeffler, and Frazier, and further in view of U.S. Pat. App. Pub. No. US 2002/0088529 A1 to Ogawa et al. (“Ogawa”). Id. at 7. Claims 37, 38, and 40 were rejected under 35 U.S.C. § 103(a) based on Takagi in combination with “at least one of” Held, Loeffler, and Frazier, and further in view of U.S. Patent No. 4,314,864 to Loeffler et al. (“Loeffler '864”). Id. Claims 51 and 52 were rejected under 35 U.S.C. § 103(a) based on Takagi in combination with “at least one of” Held, Loeffler, and Frazier, and further in view of U.S. Patent No. 4,753,707 to Crombie (“Crombie”). Id. at 8. Claims 53-55 were rejected under 35 U.S.C. § 103(a) based on Takagi in combination with “at least one of” Held, Loeffler, and Frazier, and further in view of Crombie and McEvoy. Id.

Each of claims 32-35, 37, 38, 40, and 51-55 depends from one of allowable independent claims 26 and 39. Thus, each of those dependent claims should be patentably distinguishable from Takagi, Held, Loeffler, and Frazier for at least the same reasons as independent claims 26 and 39. Further, McEvoy, Ogawa, Loeffler '864, and Crombie fail to overcome the above-noted deficiencies of Takagi, Held, Loeffler, and Frazier. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections of dependent claims 32-35, 37, 38, 40, and 51-55 under 35 U.S.C. § 103(a).

IV. Conclusion

For at least the above-outlined reasons, independent claims 26 and 39 should be allowable. Further, claims 28-38, 40, and 42-55 depend from a corresponding one of allowable independent claims 26 and 39. Thus, those dependent claims should be allowable for at least the same reasons as independent claims 26 and 39. Accordingly, Applicants respectfully request reconsideration of this application, withdrawal of the claim rejections, and allowance of all of pending claims 26, 28-40, and 42-55.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6559.

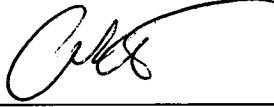
Applicants respectfully submit that the Office Action contains a number of assertions regarding the references of record and the claims of the present application. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2009

By: 

Christopher T. Kent
Reg. No. 48,216